

**Remarks of
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to the
NATIONAL TANK TRUCK CARRIERS
ANNUAL CONFERENCE
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On behalf of President Bush and Transportation Secretary Mineta, I want to thank you for inviting me to be here with you today. And, congratulations on the start of your 57th Annual Conference.

This morning I want to bring you up to date on the Federal government's efforts to maintain and improve trucking safety, especially in the tank truck and HazMat (HM) sectors. I also want talk to you about the impressive collaboration between our two organizations.

Safety Goal

Safety is at the very *heart* of what we do at the U.S. Department of Transportation (DOT) and Federal Motor Carrier Safety Administration (FMCSA). DOT has set an aggressive goal of decreasing fatalities on our nation's highways. We are committed to reducing the fatality rate by 41 percent from 1996 to 2008.

We are encouraged that the fatality rate dropped last year and alcohol-related crashes are down from 2003. Still, 42,800 people died on the nation's highways in 2004, up slightly from 2003, according to preliminary projections. And, nearly 5,000 of those deaths involved commercial vehicles. We know that it's particularly challenging to bring down the fatality rate for motor carriers, because the truck miles traveled are increasing faster than vehicle miles.

Additionally, traffic crashes put an estimated \$230 billion strain on our economy each year. This clearly contributes to the bigger picture of how transportation impacts the nation's economic growth.

NTTC/FMCSA Partnership

I believe we're all partners in the effort to keep our highway safe, and I think NTTC has been a *model* partner in this effort. You have provided a great deal of support and expertise to DOT on training, cargo tank safety, materials handling, and other areas that are critical to the safe movement of HMs.

I want to specifically mention two initiatives that exemplify what government-industry partnerships should be about. During the past 5 years, FMCSA and NTTC have collaborated on more than 40 workshops, training more than 1,200 individuals on the

requirements for properly testing and inspecting cargo tanks. This effort has significantly improved the quality of inspections being conducted within the industry.

More recently, NTTC organized educational sessions with FMCSA and the Pipeline and Hazardous Materials Safety Administration, or PHMSA — formerly RSPA — on how DOT can improve the HM regulations. This is the kind of collaboration that promotes understanding of issues and uses the strengths of industry and government to improve safety.

It's clear that HM carriers must meet *higher* standards for safe and secure operations than more conventional trucking companies, because you are moving high-risk cargo. Together, we have dramatically improved the working relationship between FMCSA and the regulated community, boosting the overall safety of cargo tanks. I want to thank you for your vitally important contribution to our safety efforts and for setting an example for other organizations to follow.

I know there is a greater and greater concern among HM carriers that multiple agencies are imposing regulations on your operations. I want to stress that many of these regulations have been mandated by Congress. We at FMCSA are sensitive to your concerns, and we want to work closely with you to help you meet these requirements.

In fact, President Bush has made reducing unnecessary costs associated with Federal regulations a priority. As a result, DOT is conducting a far-reaching review of the Department's regulations. Our goal is to ease the regulatory burden that affects your bottom line. This could mean simplifying regulations — or even eliminating those that are no longer necessary — to come up with the least costly, most effective way of carrying out our responsibilities.

Reauthorization/SAFETEA

A critical area that impacts our partnership right now is legislation. One of our biggest priorities at DOT is working with Congress to get a surface transportation reauthorization bill passed and on the President's desk.

We've been waiting over a year-and-a-half since the expiration of TEA-21. We don't know when the reauthorization bill will be coming down the pike; we hope it's soon. None of us wants a seventh extension of TEA-21. However, a seventh extension is likely.

This legislation affects not just funding, but policy. The Bush administration's proposal includes initiatives that will improve safety and expand capacity on our roads, bridges, and highways, and provide greater flexibility for addressing many freight transportation concerns.

I urge all of you to express your views on reauthorization to the appropriate members of the House and Senate.

Hours of Service/EOBRs

At FMCSA, we have a number of priorities we really want to see included in the reauthorization bill. In February, DOT sent Congress revised language on the Administration's reauthorization proposal. We had a number of very specific requests, including Hours-of-Service (HOS).

As you all know, there has been a lot of activity on this issue since FMCSA implemented the new HOS rule at the beginning of 2004. Last July a Federal Court ruled that FMCSA must reconsider the new HOS rule, directing the Agency to better address the new regulations' impact on the health of truck drivers.

Since the Court's decision last year, we have been working to craft a new rule. In the meantime, Congress actually gave us a one-year reprieve, so we have until September 30th of this year to draft a new rule. I'm sure many of you submitted comments to our rulemaking docket. We are in the process of getting that rulemaking done — and I can tell you right now, it IS on track to be completed by September 30th.

Meanwhile, we're running a parallel track, and that proposal is part of the package of adjustments we sent to Congress in February. We're asking Congress to codify the existing HOS rule, and I believe we still have ample opportunity to do that.

We're asking Congress to make the HOS rule permanent because the parties that brought the lawsuit have already made it very clear that if there are not significant changes to the HOS rule, we will be in court again. Congressional action will assure the rule will remain in place in order to reduce highway deaths and injuries. Approval of these provisions also will end uncertainty about the HOS rule among motor carriers, drivers, law enforcement, and shippers.

Our proposal additionally allows for subsequent changes to the HOS rule. This will enable FMCSA to ensure the rule can be assessed in the future and, if necessary, revised. I believe the existing HOS rule provides the appropriate safety that we need on America's highways, and I've said so to Congress. We're hoping they'll take that language, put it in the reauthorization bill, and get it passed.

However, if Congress doesn't pass the reauthorization bill before September, FMCSA still has to issue a rule. So, we're continuing down both tracks. If we don't have reauthorization by September, we *will* have a rule by September 30th. But I'll continue working with the House and the Senate to convince them to codify the existing rule.

I know you're also interested in FMCSA's related rulemaking on electronic onboard recorders, or EOBRs. We began the rulemaking last fall with a comment period. We are reviewing all the comments that came in, and we are working on drafting a Notice of Proposed Rulemaking that we hope to have out by January 2006.

HM Provisions in Reauthorization

FMCSA has other priorities within the Administration's reauthorization proposal that are more specific to HM safety and enforcement. These provisions are included in the House-passed bill and in the Senate Committee bill, which is currently being debated. The prospects are good that they will be in the final package.

One provision gives FMCSA the authority to order vehicles, drivers and carriers out of service for violating HM regulations. Currently, we can issue out-of-service orders only for violations of our safety regulations — serious operating infractions that can threaten safety, such as brake problems or driver's HOS violations. This HM provision would give us that same authority for critical violations of the HM regulations, such as improper packaging or a vehicle failing to have placards.

Another provision will significantly increase the maximum penalties for violations of HM regulations, going from \$32,500 to \$100,000. DOT believes this is necessary because HM spills have the potential for disastrous impact on public safety and the environment.

These are areas where we are counting on your partnership to help *all* HM carriers understand the importance of these safety regulations.

Wetlines

Another issue I know is important to you is the wetlines rulemaking being conducted by the PHMSA. The comment period for this rule has recently closed.

FMCSA is responsible for enforcing any final rules pertaining to cargo tanks. Therefore, we are working closely with PHMSA to develop a rule that protects the public safety in a way that makes sense economically. I want to assure you we will consider your comments very carefully.

HM Security/Field Operational Test

NTTC has provided FMCSA with a lot of support on security issues. This is a responsibility our Agency holds jointly with the Department of Homeland Security.

HM transport has been a top priority in transportation since 9/11. FMCSA has a comprehensive HM security program, working closely with DHS and PHMSA. NTTC has been instrumental in several aspects of this program, beginning with the HM Security and Safety Field Operational Test. We released the report earlier this year.

This real-world, real-time test has allowed us to assess potential security and safety improvements through the use of various technologies. The test showed us which systems work now and which ones need more development. NTTC's cooperation on this project was instrumental in helping us produce findings that could significantly improve homeland security and highway safety nationwide. I understand you'll hear more about this project tomorrow.

HM Permitting

Another important component of FMCSA's homeland security efforts is our HM safety permit program. The new requirements took effect at the beginning of this year.

Last year, we distributed more than 39,000 letters and brochures of the new requirements to HM carriers. Certain carriers of extremely high-hazard materials, such as explosives and toxic gases, must be specially permitted.

Since January 1st, we have issued 235 permits. We also have DENIED nearly 130 applications for failing to meet the new requirements — about 35 percent of total applicants. Some carriers have submitted appeals, which we are currently examining. We want to work with carriers to be sure they meet with those requirements. But we'll stand firm in ensuring these extremely hazardous materials are transported in the safest manner possible.

Recently, the Washington, DC, government took action to reroute certain HM shipments that come within about 2 miles of the U.S. Capitol. This is an extremely important issue as other local governments may consider similar measures. Of course, this has been subject to litigation. FMCSA is watching closely as this situation unfolds in Federal court. We're examining the implication of the court's ruling as it relates to HM transportation elsewhere in the country.

In the meantime, the American Trucking Associations (ATA) has asked us to pre-empt the DC requirement pertaining to HM truck routing. ATA believes that DC did not follow FMCSA's procedures for restricting HMs on highways. On April 21, we issued a notice in the Federal Register requesting comments on this issue, and I encourage you to give us your feedback.

Rollover Study / Driver Outreach

Cargo tank rollover is another critical concern and a high priority for FMCSA in the HM sector. We commissioned a detailed study of HM vehicle crashes using a variety of crash data, police accident reports, and motor carrier information.

We learned that 23 percent of all cargo tanks crashes involve rollovers. Even more alarming — this number increases to 75 percent when the cargo tank truck is negotiating a turn. This is quite dramatic when you compare these numbers to the 3-to-4 percent of all commercial motor vehicles that roll over during crashes.

These findings are providing us with important direction on the need to improve the roll stability performance of cargo tanks. To address this need, FMCSA is beginning *new* research to identify design and sensory technologies that could help prevent rollovers.

But I think the best way of reducing rollovers that we have *right now* is driver training. That's why I'm so pleased NTTC is considering an outreach program to drivers on cargo tank rollovers. I encourage you to pursue this initiative, and I want to commend you for fully recognizing this problem and taking action to solve it.

Safety Belts

Finally I'd like to talk to you about one of the DOT's highest safety priorities — safety belts. The Bush administration is proud that we have raised the national safety belt usage rate to 80 percent — the highest level ever. This is estimated to save more than 15,000 lives and prevent \$50 billion in economic costs every year.

However, a recent study by FMCSA showed that only 48 percent of truck and bus drivers buckle up. In 2003, 620 truck drivers died in crashes, more than 170 of whom were ejected from their cabs. And, almost 80 percent of those drivers were not wearing safety belts. This is even more dramatic in light of the recently reported projection that truck-related fatalities increased in 2004.

In December 2003, Secretary Mineta gathered with trucking and enforcement leaders to launch this country's broadest effort ever to get truckers to wear their safety belts — the Commercial Motor Vehicle Safety Belt Partnership. NTTC has been a member of this program from the beginning. I want to thank you for your important participation in this effort.

At DOT, we're trying to increase safety belt use among ALL drivers in two ways. Together with the Safety Belt Partnership, FMCSA is asking CMV drivers to buckle up. The more drivers realize the benefits of wearing a safety belt, the more lives will be saved. And, we're doing everything we can to encourage more states to pass primary safety belt laws, which have proven effective wherever they exist.

The Safety Belt Partnership remains very active. The momentum has been building since the 2003 announcement, and just last month the Partnership launched an outreach campaign with the new theme: "Be ready. Be buckled." FMCSA will use this new common-sense theme to continue spreading the message — through 200,000 brochures, 50,000 bumper stickers, posters displayed in truck stops and motor carrier facilities, t-shirts, hats, and more.

So, this will be an exciting year for the safety belt initiative. I want to urge all of you to tell your drivers: BE READY... BE BUCKLED.

Close/Cliff Harvison Tribute

I want to thank you again for the opportunity to be here today. NTTC and FMCSA have built a strong foundation for our partnership. We want to see that partnership continue and flourish so we can keep improving highway and motor carrier safety nationwide.

Before I close, I have a special privilege of recognizing someone who has been vitally important to NTTC's success. I believe that every organization that sets good examples for others must have a leader who does the same. Cliff Harvison has been that leader.

Cliff, your decades of experience in transportation span your entire career, dating back to your service in the U.S. Army Transportation Corps. You've served as president for 33 of your 40 years with NTTC — a praiseworthy achievement for any leader.

But I think even more praiseworthy is the way that you have set the stage for partnership. Thanks to your honesty, integrity, and a great teamwork attitude, your efforts have helped to significantly improve tank truck and motor carrier safety and productivity.

So, on behalf of the U.S. Department of Transportation and the Federal Motor Carrier Safety Administration, I want to present you with this plaque for outstanding service throughout your career. Congratulations.